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CONSTITUTION

OF THE

Commonwealth of Kentucky,

*ADOPTED BY THE CONSTITUTIONAL CONVENTION,
APRIL 11, 1891, AND SUBMITTED TO A VOTE
OF THE PEOPLE AT THE AUGUST
ELECTION, 1891.*

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CONSTITUTION

OF THE

Commonwealth of Kentucky.

PREAMBLE.

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties which we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established, WE DECLARE that :

SECTION I. All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned :

First : The right of enjoying and defending their lives and liberties.

Second : The right of worshiping Almighty God according to the dictates of their consciences.

Third : The right of seeking and pursuing their safety and happiness.

Fourth : The right of freely communicating their thoughts and opinions.

Fifth : The right of acquiring and protecting property.

Sixth : The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh : The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons, shall not be questioned.

SEC. 2. Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

SEC. 3. All men, when they form a social compact, are equal ; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services ; but no property shall be exempt from taxation except as provided in this Constitution ; and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

SEC. 4. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

SEC. 5. No preference shall ever be given by law to any religious sect, society or denomination ; nor to any particular creed, mode of worship or system of ecclesiastical polity ; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion ; nor shall any man be compelled to send his child or children to any school to which he may be conscientiously opposed ; and the civil rights, privileges or capacities of no person shall be taken away, or in any wise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 6. All elections shall be free and equal.

SEC. 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

SEC. 8. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of Government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.

SEC. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence ; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 10. The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

SEC. 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

SEC. 14. All courts shall be open and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 15. No power to suspend laws shall be exercised, unless by the General Assembly or its authority.

SEC. 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 19. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be enacted.

SEC. 20. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 21. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death ; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. No standing army shall, in time of peace, be maintained without the consent of the General Assembly ; and the military shall, in all cases and at all times, be in strict subordination to the civil power ; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

SEC. 23. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than a term of years.

SEC. 24. Emigration from the State shall not be prohibited.

SEC. 25. Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 26. To guard against transgression of the high powers which we have delegated, WE DECLARE that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate ; and all laws contrary thereto, or contrary to this Constitution, shall be void.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SEC. 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit : Those which are legislative, to one ; those which are executive, to another ; and those which are judicial, to another.

SEC. 28. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

SEC. 29. The legislative power shall be vested in a House of Representatives and a Senate, which, together, shall be styled the "General Assembly of the Commonwealth of Kentucky."

SEC. 30. The members of the House of Representatives shall continue in service for the term of two years from the day of the general election, and no longer.

SEC. 31. Senators and Representatives shall be chosen, one from each Senatorial and Representative district, on the first Tuesday after the first Monday in November, Senators on the same day every four years thereafter, and Representatives on the same day every second year thereafter, in the manner prescribed in this Constitution.

SEC. 32. No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

SEC. 33. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial districts, and one hundred Representative districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative districts for ten years. Not more than two counties shall be joined together to form a Representative district: *Provided*, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district.

SEC. 34. The House of Representatives shall choose its Speaker and other officers.

SEC. 35. Senators shall be chosen for the term of four years, and the Senate shall have power to choose its officers biennially.

SEC. 36. The election of Senators next after the first apportionment under this Constitution shall be general throughout the State. At the session of the General Assembly next after the first apportionment under this Constitution, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the first class shall be vacated at the end of two years from the day of the election, and those of the second class at the end of four years, so that one-half shall be chosen every two years.

SEC. 37. The number of Representatives shall be one hundred, and the number of Senators thirty-eight, and no more.

SEC. 38. The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred and ninety-three, and thereafter on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere.

SEC. 39. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

SEC. 40. Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

SEC. 41. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly, or either House thereof, or a committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

SEC. 42. Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of the members elected, be entered on the journal.

SEC. 43. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 44. The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: *Provided*, The same may be changed by law; but no change shall take effect during the session at which such change is made; nor shall a session of the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution. A legislative day shall be construed to mean a calendar day.

SEC. 45. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 46. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased during the said term, except to such offices as may be filled by the election of the people.

SEC. 47. No person, who at any time may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

SEC. 48. No bill shall be considered for final passage, unless the same has been reported by a committee and printed for the use of the members. Every bill shall be read at length on three different days in each House, but the second and third readings may be dispensed

with by a majority of all the members elected to the House in which the bill is pending. But whenever a committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and, by consent, be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: *Provided*, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

SEC. 49. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as to other bills: *Provided*, No new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

SEC. 50. The General Assembly shall have no power to enact laws to diminish the resources of the Sinking Fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

SEC. 51. The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: *Provided*, The General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 52. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth, except for the purposes mentioned in Section 51, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: *Provided*, The General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in

the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

SEC. 53. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred, shall be re-enacted and published at length.

SEC. 54. The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the contract, indebtedness, liability or obligation of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

SEC. 55. The General Assembly shall provide by law for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts, and the results of these investigations shall be reported to the Governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the Governor shall, at the beginning of each session, be transmitted by him to the General Assembly for scrutiny and appropriate action.

SEC. 56. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

SEC. 57. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

SEC. 58. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in presence of the House in open session and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer

thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the clerk of the latter House shall immediately present the same to the Governor for his signature and approval.

SEC. 59. The credit of this Commonwealth shall never be given or loaned in aid of any person, association, municipality or corporation.

SEC. 60. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

SEC. 61. The General Assembly shall neither audit nor allow any private claim or account against the Commonwealth; but may appropriate money to pay such claim as shall have been audited and allowed according to law, except for expenses incurred during the session at which the same was allowed.

LOCAL AND SPECIAL LEGISLATION.

SEC. 62. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

First: To regulate the jurisdiction, or the practice, or the circuits of courts of justice, or the rights, powers, duties or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

Second: To regulate the summoning, impaneling or compensation of grand or petit jurors.

Third: To provide for changes of venue in civil or criminal causes.

Fourth: To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties or forfeitures.

Fifth: To regulate the limitation of civil or criminal causes.

Sixth: To affect the estate of *cestuis que trust*, decedents, infants or other persons under disabilities, or to authorize any such persons to sell, lease, encumber or dispose of their property.

Seventh: To declare any person of age, or to relieve an infant or *feme covert* of disability, or to enable him to do acts allowed only to adults not under disabilities.

Eighth: To change the law of descent, distribution or succession.

Ninth: To authorize the adoption or legitimation of children.

Tenth: To grant divorces.

Eleventh : To change the names of persons.

Twelfth : To give effect to invalid deeds, wills or other instruments.

Thirteenth : To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county or municipality thereof.

Fourteenth : To refund money legally paid into the State Treasury.

Fifteenth : To authorize or to regulate the levy, the assessment or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

Sixteenth : To exempt property from taxation.

Seventeenth : To authorize the opening, altering, maintaining or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

Eighteenth : To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll-gates, or to regulate tolls; to regulate fencing or the running at large of stock.

Nineteenth : To authorize officers to appoint deputies, or creating, increasing or decreasing fees, percentages or allowances to public officers, or extending the time for the collection thereof.

Twentieth : To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

Twenty-first : To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts or districts, except when new counties may be created.

Twenty-second : To regulate the rate of interest.

Twenty-third : To authorize the creation, extension, enforcement, impairment or release of liens.

Twenty-fourth : To provide for the protection of game and fish.

Twenty-fifth : To regulate labor, trade, mining or manufacturing.

Twenty-sixth : To provide for the management of common schools.

Twenty-seventh : To locate or change a county seat.

Twenty-eighth : To provide a means of taking the sense of the people of any city, town, district, precinct, or county, whether they wish to authorize, regulate or prohibit therein the sale of vinous, spirituous, or malt liquors, or alter the liquor laws, or to enact any act with reference thereto.

Twenty-ninth : Restoring to citizenship persons convicted of infamous crimes.

Thirtieth: In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 63. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. All laws of a general nature shall have a uniform operation throughout the State, and no law, except such as relates to the sale of vinous, spirituous, or malt liquors, shall be enacted to take effect upon the approval of any other authority than the General Assembly, except as otherwise expressly provided in this Constitution.

SEC. 64. The style of the laws of this Commonwealth shall be as follows: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

COUNTIES AND COUNTY SEATS.

SEC. 65. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing contained herein shall prevent the General Assembly from abolishing any county.

SEC. 66. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located, or as it may hereafter be located, shall be moved, except upon a vote of two-thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

SEC. 67. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. But the portion so stricken off and added to another county, or formed in whole or in part into a new county,

shall be bound for its proportion of the indebtedness of the county from which it has been taken.

IMPEACHMENTS.

SEC. 68. The House of Representatives shall have the sole power of impeachment.

SEC. 69. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 70. The Governor and all civil officers shall be liable to impeachment for any misdemeanors in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial and punishment by law.

THE EXECUTIVE DEPARTMENT.

OFFICERS FOR THE STATE AT LARGE.

SEC. 71. The Supreme Executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the "Governor of the Commonwealth of Kentucky."

SEC. 72. He shall be elected for the term of four years by the qualified voters of the State at the time when, and places where, they shall respectively vote for Representatives. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

SEC. 73. He shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 74. He shall be at least thirty years of age, and have been a citizen and a resident of Kentucky for at least six years next preceding his election.

SEC. 75. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding his election, and shall continue in the execution thereof until his successor shall have qualified.

SEC. 76. He shall appoint, with the advice and consent of the Senate, all State officers who are not required by this Constitution, or the laws made thereunder, to be elected by the people.

SEC. 77. He shall at stated times receive for his services a compensation to be fixed by law.

SEC. 78. He shall be Commander-in-Chief of the Army and Navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

SEC. 79. He shall have the power to fill vacancies by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 80. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment, and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the Clerk, Sheriff, or Commonwealth's Attorney in penal or criminal cases.

SEC. 81. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 82. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 83. He may, on extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no others shall be considered.

SEC. 84. He shall take care that the laws be faithfully executed.

SEC. 85. A Lieutenant Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. He shall be ineligible to the office of Lieutenant Governor for the suc-

ceeding four years after the expiration of the term for which he shall have been elected.

SEC. 86. He shall, by virtue of his office, be President of the Senate, have a right, when in Committee of the Whole, to debate and vote on all subjects, and when the Senate is equally divided, to give the casting vote.

SEC. 87. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, be absent from the State, or be, from any cause, unable to discharge the duties of his office, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall return or be able to discharge the duties of his office. On the trial of the Governor, the Lieutenant Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial.

SEC. 88. A President *pro tempore* of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant Governor vacating his seat as President of the Senate until such election shall be made; and as often as there is a vacancy in the office of President *pro tempore*, another President *pro tempore* of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached and removed from office, refuse to qualify, resign, die or be absent from the State, the President *pro tempore* of the Senate shall in like manner administer the government: *Provided*, Whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy.

SEC. 89. The Lieutenant Governor, or President *pro tempore* of the Senate, while he acts as President of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and no more; and during the time he administers the government as Governor, he shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 90. If the Lieutenant Governor shall be called upon to administer the government, and shall, while in such administration, resign, die or be absent from the State during the recess of the General Assembly, if there be no President *pro tempore* of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President; and until a Presi-

dent is chosen, the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

SEC. 91. Every bill which shall have passed the two Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the Secretary of State. The Governor shall have power to disapprove any part or parts of appropriation bills embracing distinct items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

SEC. 92. Every order, resolution or vote, in which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 93. Contested elections for Governor and Lieutenant Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 94. A Treasurer, Auditor of Public Accounts, Register of the Land Office, Commissioner of Agriculture, Labor and Statistics, and an Attorney General shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall have been a resident citizen of this

State for at least two years next before his election. There shall be elected by the qualified voters of the State, at the same time the Governor is elected, for the term of four years, a Secretary of State, whose duties shall be to keep a fair register of and attest all of the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before either House of the General Assembly. He shall also perform such other duties as may be required of him by law.

SEC. 95. The Attorney General shall have been a practicing lawyer eight years before his election.

SEC. 96. The Treasurer, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney General, and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected; and the Auditor of Public Accounts shall be ineligible to re-election for the succeeding four years after he shall have held the office for two terms, if he shall have been elected for two succeeding terms. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the Treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years.

SEC. 97. The General Assembly may provide for the abolishment of the office of Register of the Land Office, to take effect at the end of any term, and shall provide by law for the custody and preservation of the papers and records of said office, if the same be abolished.

SEC. 98. The first election under this Constitution for Governor, Lieutenant Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney General, Secretary of State, Superintendent of Public Instruction, and Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five.

SEC. 99. The Secretary of State shall be at least twenty-five years of age, and shall have been a citizen of Kentucky at least five years next preceding his election.

SEC. 100. All the officers mentioned in Section 98 shall be paid for their services by salary, and not otherwise.

OFFICERS FOR DISTRICTS AND COUNTIES.

SEC. 101. A Commonwealth's Attorney for each judicial district, and a Circuit Court Clerk for each county, shall be elected, whose terms of office shall be six years; also a County Court Clerk, Attorney,

Surveyor, Coroner and Jailer for each county, whose terms of office shall be the same as that of Judge of the County Court. The compensation of the Commonwealth's Attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State Treasury, and not to exceed the sum of five hundred dollars *per annum*; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid into the State Treasury, and not until so collected and paid. The salaries and fees of the other officers named in this section shall be fixed by law.

SEC. 102. No person shall be eligible to the offices mentioned in Section 101 who is not at the time of his election twenty-four years of age (except Clerks of County and Circuit Courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year in the county, next preceding his election. No person shall be eligible to the office of Commonwealth's Attorney unless he shall have been a licensed practicing lawyer for four years. No person shall be eligible to the office of County Attorney unless he shall have been a licensed practicing lawyer for two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of a Circuit Court, a certificate that he has been examined by the clerk of his court under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 103. The Commonwealth's Attorney and the Circuit Court Clerk shall be elected by the qualified voters of the district and county, respectively, at the same time the Judge of the Circuit Court is elected. The County Clerk, Surveyor, Coroner, Attorney and Jailer shall be elected at the same time and in the same manner the Judge of the County Court is elected.

SEC. 104. A Sheriff shall be elected in each county by the qualified voters thereof, whose term of office shall be four years, and until his successor be qualified; but no Sheriff shall be eligible to re-election, or act as deputy, for the succeeding term: *Provided*, The first election of Sheriffs under this Constitution shall be held at the regular election in eighteen hundred and ninety-two, and the Sheriffs then elected shall hold their offices for only two years.

SEC. 105. A Constable shall be elected in each justice's district by the qualified voters thereof at the same time and for the same term the Sheriff is elected, and shall possess the same qualifications. The juris-

diction of Constables shall be coextensive with the counties in which they reside.

SEC. 106. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times, as the General Assembly may prescribe.

SEC. 107. The Judges of County Courts, Clerks, Sheriffs, Surveyors, Coroners, Jailers, and such other officers as the General Assembly may, from time to time, require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

SEC. 108. There shall be elected in each county, at the same time and for the same term the Judge of the County Court is elected, an Assessor, whose qualifications shall be the same as those of the Sheriff. The General Assembly may prescribe by law that the assessment of property may be made by other officers, in which event the office of Assessor shall be abolished; but the General Assembly shall have power to re-establish the office of Assessor, and to impose upon that officer the duties of making assessments. No person shall be eligible to the office of Assessor two consecutive terms.

SEC. 109. The General Assembly may, at any time, consolidate the offices of Jailer and Sheriff in any county or counties, as it shall deem most expedient; but in the event such consolidation be made, the office of Sheriff shall be retained, and the Sheriff shall be required to perform the duties of Jailer.

SEC. 110. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the Clerks of the respective courts thereof (except the Clerk of the City Court), the Marshals, the Sheriffs, the Assessors and the Jailers shall be paid out of the State Treasury, by salary to be fixed by law, not to exceed seventy-five *per centum* of the fees collected by said officers, respectively, and paid into the Treasury.

SEC. 111. The General Assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as may from time to time be necessary.

SEC. 112. The General Assembly shall provide by general laws for the government of counties and shall prescribe the compensation, rights, powers and duties of county officers; and, for that purpose, shall have power to classify the counties of the State, either by population or by the taxable value of the property therein, so that the laws may be uniform with reference to counties of the same class: *Provided*, Not more than six classes shall be made.

SEC. 113. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's Attorney, to take effect upon the expiration of the terms of the incumbents, in which event the duties of said office shall be discharged by the County Attorneys.

THE JUDICIAL DEPARTMENT.

SEC. 114. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in the Senate when sitting as a Court of Impeachment, and one Supreme Court (to be styled the Court of Appeals) and the courts established by this Constitution.

COURT OF APPEALS.

SEC. 115. The Court of Appeals shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

SEC. 116. The Court of Appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection or pestilence, it may adjourn to meet and transact its business at such other place in the State as it may deem expedient for the time being.

SEC. 117. The Judges of the Court of Appeals shall severally hold their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the Governor shall remove them, or any one or more of them, on the address of two-thirds of each House of the General Assembly: *Provided*, The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each House. They shall at stated times receive for their services an adequate compensation, to be fixed by law.

SEC. 118. The Court of Appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven Judges. They shall, severally, by virtue of their office, be conservators of the

peace throughout the State, and shall be commissioned by the Governor.

SEC. 119. No person shall be eligible to election as a Judge of the Court of Appeals who is not a citizen of Kentucky, and has not resided in this State for five years and in the district in which he is elected two years next preceding his election, and is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a Circuit Court, or court of similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 120. The present Judges of the Court of Appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present Judges, his successor shall be elected: *Provided*, The General Assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such Judges of the Court of Appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven Judges be provided for, the General Assembly may, at any time, increase the number to seven.

SEC. 121. The Judges of the Court of Appeals shall be elected by districts, and the General Assembly shall, at its first session after the adoption of this Constitution, and may, every ten years thereafter, if it deems proper, or when the number of Judges requires it, divide the State by counties into districts as nearly equal in population and in as compact form as may be; and in each of said districts the voters thereof shall elect one Judge. When the State shall be redistricted, the General Assembly shall designate the order in which the elections shall be held therein.

SEC. 122. A majority of the Judges of the Court of Appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the Governor, on that fact being certified to him by the Chief Justice, shall appoint to try the particular cause a sufficient number of Judges to constitute a full court. The Judges so appointed shall possess the qualifications prescribed for Judges of the Court of Appeals, and receive the same compensation proportioned to the length of service.

SEC. 123. The Judge longest in commission as Judge of the Court of Appeals shall be Chief Justice, and if the term of service of two or more Judges be the same, they shall determine by lot which of their number shall be Chief Justice. The Court shall prescribe by rule that petitions for rehearing shall be considered by a Judge who did not

deliver the opinion in the case ; and the Court, if composed of seven Judges, shall divide itself into sections for the transaction of business, if, in the judgment of the Court, such arrangement is necessary.

SEC. 124. The Superior Court shall continue until the terms of the present Judges of said Court expire, and upon the expiration of their terms, all causes pending before the Superior Court shall be transferred to the Court of Appeals and be determined by it.

SEC. 125. The present Clerk of the Court of Appeals shall serve as such Clerk until the expiration of the term for which he was elected. At the regular annual election for the year eighteen hundred and ninety-seven, there shall be elected by the qualified voters of the State a Clerk of the Court of Appeals, who shall hold his office for the term of four years from and after his election, and until his successor shall be qualified. The clerk shall be eligible for two consecutive terms, but shall be ineligible for the succeeding term.

SEC. 126. No person shall be eligible to the office of Clerk of the Court of Appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a Judge of the Court of Appeals that he has been examined by him, or by the Clerk of his Court under his supervision, and that he is qualified for the office.

SEC. 127. Should a vacancy occur in the office of the Clerk of the Court of Appeals, or should the Clerk be under charges, the Court of Appeals shall have power to appoint a Clerk until the vacancy be filled as provided in this Constitution, or until the Clerk be acquitted.

SEC. 128. The style of process shall be, "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude against the peace and dignity of the same.

SEC. 129. The Clerks of the Court of Appeals, Circuit and County Courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The Court shall be judge of the facts as well as the law. Two-thirds of the members present must concur in the sentence.

CIRCUIT COURTS.

SEC. 130. A Circuit Court shall be established in each county now existing, or which may hereafter be created, in this Commonwealth.

SEC. 131. The jurisdiction of said Court shall be and remain as now established, hereby giving to the General Assembly the power to change it.

SEC. 132. The right to appeal or sue out a writ of error shall

remain as it now exists until altered by law, hereby giving to the General Assembly the power to change or modify said right.

SEC. 133. At the first session after the adoption of this Constitution, the General Assembly, having due regard to business, territory and population, shall divide the State into a sufficient number of Judicial Districts to carry into effect the provisions of this Constitution concerning Circuit Courts, not to exceed one district for each sixty thousand of population, excluding counties having a population of one hundred and fifty thousand: *Provided*, No county shall be divided.

SEC. 134. The General Assembly shall, at the same time the Judicial Districts are laid off, direct elections to be held in each district to elect a Judge therein. The first election of Judges of the Circuit Courts under this Constitution shall take place at the regular annual election in eighteen hundred and ninety-two, and the Judges then elected shall hold their offices until the regular election in eighteen hundred and ninety-seven, and they shall be elected every six years thereafter.

SEC. 135. No person shall be eligible as Judge of the Circuit Court who is not a citizen of Kentucky, a resident of the district in which he may be a candidate two years next preceding his election, not less than thirty-five years of age when elected, and has not been a practicing lawyer eight years.

SEC. 136. The Judges of the Circuit Court shall hold their offices for the term of six years from the date of their election, except as provided in Section 134. They shall be commissioned by the Governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the Judges of the Court of Appeals, and the removal of a Judge from his district shall vacate his office.

SEC. 137. There shall be at least three regular terms of Circuit Court held in each county every year.

SEC. 138. The General Assembly, when deemed necessary, may establish additional districts; but the whole number of districts shall not exceed at any time one for every sixty thousand of the population of the State according to the last enumeration.

SEC. 139. The Judges of the Circuit Court shall, at stated times, receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the State.

SEC. 140. The Judicial Districts of the State shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.

SEC. 141. No Courts, save those provided for in this Constitution, shall be established.

SEC. 142. The General Assembly shall provide by law for holding Circuit Courts when, from any cause, the Judge shall fail to attend, or, if in attendance, can not properly preside.

SEC. 143. Each county having a population of one hundred and fifty thousand or over, shall constitute a district, which shall be entitled to four Judges. Additional Judges for said district may, from time to time, be authorized by the General Assembly, but not to exceed one Judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the Judges in such a district shall hold a separate Court, except when a general term may be held for the purpose of making rules of Court, or as may be required by law: *Provided*, No general term shall have power to review any order, decision or proceeding of any branch of the Court in said district made in separate term. There shall be one Clerk for such district, who shall be known as the Clerk of the Circuit Court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said Court, and all other litigation in said district, of which the Circuit Court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the Court made in general term, or as may be prescribed by law.

SEC. 144. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district, and when its population reaches seventy-five thousand, the General Assembly may provide that it shall have an additional Judge, and such district may have a Judge for each additional fifty thousand population above one hundred thousand. And in such counties the General Assembly shall by proper laws direct in what manner the Courts shall be held and the business therein conducted.

QUARTERLY COURTS.

SEC. 145. There shall be established in each county now existing, or which may be hereafter created, in this State, a Court, to be styled the Quarterly Court, the jurisdiction of which shall be uniform throughout the State, and shall be regulated by a general law, and, until changed, shall be the same as that now vested by general law in the Quarterly Courts of this Commonwealth. The Judges of the County Court shall be the Judges of the Quarterly Courts.

COUNTY COURTS.

SEC. 146. There shall be established in each county now existing, or which may be hereafter created, in this State, a Court to be styled the County Court, to consist of a Judge, who shall have

attained the age of twenty-five years. He shall be a citizen of Kentucky and a resident of the county for two years next preceding his election. A Judge of the County Court shall be elected by the qualified voters of each county at the regular annual election in the year eighteen hundred and ninety-four, and again at the regular annual election in eighteen hundred and ninety-seven, and every four years thereafter, who shall hold his office until his successor shall be qualified. He shall be conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the Governor, and shall vacate his office by removal from the county in which he may have been elected.

SEC. 147. The jurisdiction of the County Court shall be uniform throughout the State, and shall be regulated by law, and, until changed, shall be the same as now vested in the County Courts of this State by general laws.

JUSTICES' COURTS.

SEC. 148. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General Assembly may direct ; but no county shall have less than three nor more than eight districts. At the regular annual election for the year eighteen hundred and ninety-four, one Justice of the Peace shall be elected in each district, who shall hold office for three years and until his successor shall be qualified ; and again at the regular annual election in eighteen hundred and ninety-seven, and every four years thereafter, there shall be elected one Justice of the Peace in each district, who shall hold his office for four years and until his successor shall be qualified. The General Assembly shall make provisions for regulating the number of said districts, from time to time, within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of Justices of the Peace shall be coextensive with the county, and shall be equal and uniform throughout the State. No person shall be Justice of the Peace, unless he be a citizen of Kentucky for two years next before his election, twenty-one years of age and a resident of the district. Justices of the Peace shall be conservators of the peace. They shall be commissioned by the Governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

POLICE COURTS.

SEC. 149. A Police Court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordi-

nances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as Justices of the Peace have. The said Courts may be authorized to act as examining courts, but shall have no civil jurisdiction: *Provided*, The General Assembly may confer civil jurisdiction on Police Courts in cities and towns of the fourth and fifth classes, and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of Justices of the Peace.

FISCAL COURTS.

SEC. 150. The Fiscal Court of each county shall consist of the Judge of the County Court and the Justices of the Peace, in which Court the Judge of the County Court shall preside; Or the General Assembly may provide for the election of not more than three Commissioners in each county, to be elected by the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court.

SUFFRAGE AND ELECTIONS.

SEC. 151. Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year and in the county six months, and in the precinct in which he offers to vote sixty days, next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by Executive pardon.

Second: Persons, who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

SEC. 152. No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

SEC. 153. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more ; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly.

SEC. 154. In all elections by persons in a representative capacity, the voting shall be *viva voce* and made a matter of record ; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. The word "election" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall make provision so that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.

SEC. 155. Not more than one election each year shall be held in this State, or in any city, town, district, or county thereof. All elections of State, county, city, town or district officers shall be held on the first Tuesday after the first Monday in November ; but no officer of any city, town, or county, or of any subdivision thereof, shall be elected in the same year in which members of the House of Representatives of the United States are elected. District or State officers, including members of the General Assembly, may be elected in the same year in which members of the House of Representatives of the United States are elected. All elections by the people shall be between the hours of 6 o'clock A. M. and 7 o'clock P. M., but the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employes, under reasonable regulations, at least four hours on election days, in which to cast their votes.

SEC. 156. Voters, in all cases except treason, felony, breach or surety of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

SEC. 157. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election ; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or anything of value to influence the result of any

election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election, or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges and immunities thereunder; and if chartered by another State and doing business in this State, whether by license, or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

SEC. 158. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money, or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice, and he shall be held responsible for acts done by others with his authority, or ratified by him.

SEC. 159. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: If the unexpired term will end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district, or State officers

are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor; all other appointments shall be made as may be prescribed by law. No member of the General Assembly shall ever be appointed, and vacancies therein may be filled at a special election, in such manner as may be provided by law.

SEC. 160. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

SEC. 161. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale of spirituous, vinous, or malt liquors on election days.

SEC. 162. The provisions of Sections 151 to 161, inclusive, shall not apply to the election of School Trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

MUNICIPALITIES.

SEC. 163. The cities and towns of this Commonwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more, and the city of Louisville is hereby declared a city of the first class; to the second class, cities with a population of thirty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than thirty thousand; to the fourth class, cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand;

to the sixth class, towns with a population of one thousand or less. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns, until the same are assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

SEC. 164. The tax rate of cities, towns, counties, taxing districts, and other municipalities, for other than school purposes, shall not, at any time, exceed the following rates upon the value of the taxable property therein, viz: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or municipality, shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

SEC. 165. The respective cities, towns, counties, taxing districts, and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness, viz: Cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten

per centum; cities of the third class having a population of less than fifteen thousand, and cities and towns of the fourth class, five *per centum*; cities and towns of the fifth and sixth classes, three *per centum*; and counties, taxing districts and other municipalities, two *per centum* : *Provided*, Any city, town, county, taxing district or other municipality may contract an indebtedness in excess of such limitations when the same has been authorized under laws in force prior to the adoption of this Constitution, or when necessary for the completion of and payment for a public improvement undertaken and not completed and paid for at the time of the adoption of this Constitution : *And Provided Further*, If, at the time of the adoption of this Constitution, the aggregate indebtedness of any city, town, county, taxing district or other municipality, bonded or floating, including that which it has been or may be authorized to contract as herein provided, shall exceed the limit herein prescribed, then no city or town shall be authorized or permitted to increase its indebtedness in an amount exceeding two per centum, and no county, taxing district or other municipality, in an amount exceeding one per centum, in the aggregate upon the value of the taxable property therein, to be ascertained as herein provided, until the aggregate of its indebtedness shall have been reduced below the limit herein fixed, and thereafter it shall not exceed the limit, unless in case of emergency, the public health or safety should so require. Nothing herein shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, town, county, taxing district or other municipality.

SEC. 166. Whenever any county, city, town, taxing district or other municipality, is authorized to contract an indebtedness, it shall be required, at the same time, to provide for the collection of an annual tax sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

SEC. 167. The Mayor, Chief Executive, Police Judges, members of legislative boards or councils and of school boards of towns and cities shall be elected by the qualified voters thereof: *Provided*, The Mayor, Chief Executive and Police Judges of the towns of the fourth, fifth and sixth classes may be appointed or elected as provided by law : *And Provided Further*, In cities of the third class, the population of which is twenty thousand and over, members of the school board may be appointed or elected, as provided by a general law. The terms of office of Mayors and Police Judges shall be four years, and until their successors shall be qualified; and of members of legislative and school boards, two years. When any city of the first or second class is divided into

wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No Mayor, Chief Executive or fiscal officer of any city of the first or second class, or of the third class, having a population of twenty thousand and over, after the expiration of his term of office, shall be eligible for the succeeding term. "Fiscal officer" shall not include an Auditor or Assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in offices may be filled.

SEC. 168. The compensation of any city, county, town or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed.

SEC. 169. No county, city, town or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

SEC. 170. No street railway, gas, water, steam heating, telephone, or electric light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

SEC. 171. No county, city, town, taxing district, or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term

of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

SEC. 172. No person shall, at the same time, be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town or other municipality, or an employe thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a notary public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

SEC. 173. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, shall continue in force under this Constitution, and all city and police courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

SEC. 174. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

REVENUE AND TAXATION.

SEC. 175. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

SEC. 176. There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for

private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society and occupied as a home, and for no other purpose, by the minister of any religion; and crops grown in the year in which the assessment is made and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void: *Provided*, Not more in value of household goods and other personal property, of a person with a family, than two hundred and fifty dollars shall be exempted from taxation: *And Provided Further*, The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

SEC. 177. The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only. They shall be uniform upon all property subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

SEC. 178. All property, not exempted from taxation by this Constitution, shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

SEC. 179. The receiving, directly or indirectly, by any officer of the Commonwealth, or of any county, city or town, or member or officer of the General Assembly, of any interest, profit or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town or county purposes, shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 180. All property in this State, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution; and all corporate property shall pay the same rate of taxation paid by individual property. Nothing

in this Constitution shall be construed to prevent the General Assembly from providing for taxation based on income, licenses or franchises.

SEC. 181. The power to tax property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

SEC. 182. The Commonwealth shall not assume the debt of any county, municipal corporation or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

SEC. 183. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, municipality, or political subdivision of the State; nor shall the Commonwealth become an owner or stockholder in, nor make donation to, any company, association or corporation; nor shall the Commonwealth construct a railroad or other highway.

SEC. 184. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 185. The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: *Provided*, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

SEC. 186. The General Assembly may authorize the counties, cities or towns to levy a poll-tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 187. The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes.

SEC. 188. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for

breeding purposes, the various trades, occupations and professions, or a special or excise tax ; and may, by general laws, delegate the power to counties, towns, cities, and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions.

SEC. 189. Nothing in this Constitution contained shall be so construed as to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed and how taxes thereon shall be collected.

EDUCATION.

SEC. 190. The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.

SEC. 191. The bond of the Commonwealth issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation : *Provided*, The tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law.

SEC. 192. The General Assembly shall make provisions, by law, for the payment of the interest of said school fund. The General Assembly may make provision for the sale of the stock in the Bank of Kentucky ; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sinking Fund Commissioners in other good interest-bearing stocks or bonds, which shall be subject

to sale and reinvestment, from time to time, in like manner, and with the same restrictions, as provided with reference to the sale of the said stock in the Bank of Kentucky.

SEC. 193. Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; and if the pro rata share of any school district be not called for after the second school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the Commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of six *per centum per annum*, payable annually to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools.

SEC. 194. In distributing the school fund no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

SEC. 195. A Superintendent of Public Instruction shall be elected by the qualified voters of the State at the same time the Governor is elected, who shall hold his office for four years, and until his successor shall be qualified. His duties, salary and qualifications shall be prescribed by law.

SEC. 196. So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund, and be held as provided in Section 191; but the General Assembly may authorize the use, by the Commonwealth, of the moneys so received, or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions, and subject to the provisions of Section 191, concerning the bond therein referred to.

SEC. 197. No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school.

CORPORATIONS.

SEC. 198. No corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution.

SEC. 199. All existing charters or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter be void and of no effect.

SEC. 200. No corporation shall engage in business other than that expressly authorized by its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

SEC. 201. No corporation shall issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void.

SEC. 202. All corporations formed under the laws of this State, or carrying on business in this State, shall, at all times, have one or more known places of business in this State, and an authorized agent or agents there, upon whom process may be executed, and the General Assembly shall enact laws to carry into effect the provisions of this section.

SEC. 203. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals, and the exercise of the police powers of this Commonwealth shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

SEC. 204. Transportation of freight and passengers by railroad, steamboat or other common carrier, shall be so regulated, by general law, as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

SEC. 205. No railroad, steamboat or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town or county officer, or member of the General Assembly, or Judge; and any State, district, city, town or county officer, or member of the General Assembly, or Judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section.

SEC. 206. It shall be the duty of the General Assembly, from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations or other organizations, from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

SEC. 207. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each other's messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's messages without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section: *Provided*, Nothing herein shall be so construed as to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limits of such city or town.

SEC. 208. If any railroad, telegraph, express or other corporation, organized under the laws of this Commonwealth, shall consolidate by sale or otherwise, with any railroad, telegraph, express or other corporation organized under the laws of any other State, the same shall not thereby become a foreign corporation, but the courts of this Commonwealth shall retain jurisdiction over that part of the corporate property

within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

SEC. 209. No railroad or telegraph, telephone or common carrier, company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad or telegraph, telephone or common carrier company, owning a parallel or competing line, or acquire by purchase, lease or otherwise, any parallel or competing line, or operate the same; nor shall any railroad company or other common carrier combine, or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 210. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this Commonwealth.

SEC. 211. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 212. Any President, Director, Manager, Cashier or other officer of any banking institution or association for the deposit or loan of money, or individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony and subject to such punishment as shall be prescribed by law.

SEC. 213. The General Assembly shall, by general laws, provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

SEC. 214. All elevators or storehouses, where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control, and the General Assembly shall enact laws for the inspection of grain and other produce, and for the protection of producers, shippers and receivers of grain and other produce.

SEC. 215. In all elections for directors or managers of any corpo-

ration, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates, and such directors or managers shall not be elected in any other manner.

SEC. 216. The word corporation, as used in this Constitution, shall embrace joint stock companies and associations.

RAILROADS AND COMMERCE.

SEC. 217. A commission is hereby established, to be known as the "Kentucky Railroad Commission," which shall be composed of three Commissioners, appointed by the Governor, by and with the advice and consent of the Senate, one from each Superior Court district as now established. The Commissioners first appointed shall continue in office for the term of two, four and six years, respectively, from the first day of June, eighteen hundred and ninety-two; the term of each to be designated by the Governor; but their successors shall be appointed for terms of six years. In case of vacancy, the appointment shall be made only for the unexpired term. No person in the employ, or in anywise pecuniarily interested as a common carrier, or in a railroad corporation, or in railroad business, shall hold such office. The powers and duties of the Railroad Commissioners shall be regulated by law; and until otherwise provided by law, the Commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation, as now conferred, prescribed and allowed by law to the existing Railroad Commissioners. The General Assembly may, for cause, address any of said Commissioners out of office by similar proceedings as in the case of Judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said Commissioners, and to impose proper penalties therefor.

SEC. 218. No corporation engaged in the business of a common carrier shall, directly or indirectly, own, manage, operate, or engage in any other business than that of a common carrier, or hold, own, lease

or acquire, directly or indirectly, mines, factories, timber or lands, except such as shall be necessary to carry on its business; and the General Assembly shall enact laws to give effect to the provisions of this section.

SEC. 219. No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to exercise the right of eminent domain, or have power to acquire the right of way, or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

SEC. 220. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands, or under the control of, any officer, agent or employe of such corporation or company, shall be subject to process of attachment and garnishment to the same extent and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company by action in equity, in the same manner and to the same extent as such property of individuals in the hands of third persons.

SEC. 221. All railroad, transfer, belt lines and railway bridge companies organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge, or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

SEC. 222. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

SEC. 223. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

SEC. 224. The provisions of Sections 221, 222 and 223 shall apply to all railroads, transfer or belt lines or bridges now built, or heretofore to be built, and to all corporations now existing or hereafter organized.

SEC. 225. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

SEC. 226. Any person, association or corporation, willfully or knowingly violating any of the provisions of Section 221, 222, 223, 224 or 225 shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense shall thereupon, *ipso facto*, forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, shall, *ipso facto*, forfeit its right to do business in this State; and the Attorney General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

SEC. 227. It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Railroad Commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers, or property; and the Commission may, from time to time, prescribe the

extent to which such common carrier, or person or corporation owning or operating a railroad in this State, may be relieved from the operations of this section.

THE MILITIA.

SEC. 228. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State, or of the United States.

SEC. 229. The General Assembly shall provide for maintaining the organized militia ; and may exempt from military service persons having conscientious scruples against bearing arms : *Provided*, Such persons shall pay an equivalent for such exemption.

SEC. 230. The organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 231. All militia officers, whose appointment is not herein otherwise provided for, shall be elected by persons subject to military duty within their respective companies, battalions, regiments or other commands, under such rules and regulations and for such terms, not exceeding four years, as the General Assembly may from time to time direct and establish. The Governor shall appoint an Adjutant General and his other staff officers ; the Generals and commandants of regiments and battalions shall respectively appoint their staff officers, and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers. The Governor shall have power to fill vacancies that may occur in elective offices by granting commissions which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 232. The General Assembly shall provide for the safe-keeping of the public arms, military records, relics and banners of the Commonwealth of Kentucky.

GENERAL PROVISIONS.

SEC. 233. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

SEC. 234. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly, or of the Governor when the Assembly may not be in session.

SEC. 235. Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

SEC. 236. Judges of the County Court, Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, Assessors, County Attorneys and Constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction, his office shall become vacant, but such officer shall have the right of appeal to the Court of Appeals.

SEC. 237. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my abilities, the office of —, according to law; and I do further solemnly swear (or affirm) that since the adoption of the present constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

SEC. 238. Treason against the Commonwealth shall consist only in waging war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the

testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 239. No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 240. The General Assembly may, by law, direct in what manner and in what courts suits may be brought against the Commonwealth.

SEC. 241. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 242. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 243. All civil officers for the State at large shall reside within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

SEC. 244. The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

SEC. 245. The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 246. No member of Congress, or any person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

SEC. 247. The General Assembly shall direct by law how persons who now are, or may hereafter become, sureties for public officers, may be relieved of or discharged from such suretyship.

SEC. 248. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept or knowingly carry

challenge to any person or persons to fight in single combat, with a citizen of this State, with any deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth; but if said acts, or any of them, be committed within this State, the person or persons committing them shall be punished otherwise in such manner as the General Assembly may prescribe by law.

SEC. 249. The Governor shall have power, after five years from the time of the offense, to pardon all persons who shall have in any way participated in a duel, either as principals, seconds or otherwise, and to restore him or them to all the rights, privileges and immunities to which he or they were entitled before such participation.

SEC. 250. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, and damages could have been recovered for such injury, if death had not resulted therefrom, then, in like manner, and in every such case, damages may be recovered for such death. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide by whom and to whom the recovery in such actions shall belong; and until such provision is made, the same shall form part of the personal estate of the deceased person.

SEC. 251. Municipal and other corporations, and individuals vested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed in the construction, change or enlargement of their works, highways or improvements, which compensation shall be paid before such taking, or be paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individuals made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the course of common law.

SEC. 252. The General Assembly shall, by law, fix the minimum wages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law.

SEC. 253. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

SEC. 254. Upon the ratification of this Constitution by the people, the Governor shall appoint three persons, learned in the law, who shall revise the statute laws of this Commonwealth, and prepare amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection, in whole or in part.

SEC. 255. No public officer, except the Governor, shall receive, at the term for which he shall have been elected at the time of the adoption of this Constitution, more than five thousand dollars *per annum*, compensation for official services, independent of the compensation legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

SEC. 256. The printing and binding of the laws, journals, department reports, and all other printing and binding, shall be performed under contract, to be given to the lowest responsible bidder below such maximum and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; all such contracts shall be subject to the approval of the Governor.

SEC. 257. A grand jury shall consist of twelve persons, nine of whom concurring, may find an indictment. In civil and misdemeanor cases, in courts inferior to the Circuit Courts, a jury shall consist of twelve persons. The General Assembly may provide that in any or all trials of civil actions in the Circuit Courts, three-fourths or more of the jury concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel. But where a verdict is rendered by a less number than the whole jury, it shall be signed by the jurors who agree to it.

SEC. 258. The House of Representatives of the General Assembly shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Doorkeeper, one Janitor, two Cloak-room keepers and four Pages; the Senate shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Doorkeeper, one Janitor, one Cloak-room keeper and four Pages; and it shall provide, by a general law, for fixing the *per diem* salary of all of said employees.

SEC. 259. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences

arbitrators, the arbitrators to be appointed by the parties who may choose that summary mode for adjustment.

SEC. 260. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely on one for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one thousand eight hundred and twenty, against any person claiming such lands by possession to a well defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title or interest in lands acquired by virtue of adverse possession under the laws of this Commonwealth. But this section shall not apply to persons laboring under any legal disability, until three years after said disability is removed.

SEC. 261. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction and reformation of all persons under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

SEC. 262. Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the General Assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, for any cause, they cannot be provided for in the penitentiary.

SEC. 263. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

SEC. 264. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two-thirds of each House of the next General Assembly which convenes after the adoption of this Constitution.

MODE OF REVISION.

SEC. 265. Amendments to this Constitution may be proposed either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the electors of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same Board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for or against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than two amendments shall be voted upon at any one time. Not shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

SEC. 266. Before any amendment shall be submitted to a vote, the Secretary of State shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon in such manner as may be prescribed by law.

SEC. 267. When a majority of all the members elected to each House of the General Assembly shall concur, by a yea and nay vote,

entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending this Constitution, and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly shall in like manner concur in such law, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified electors shall be taken for and against calling the convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition is for calling a convention, and if the total number of votes cast for calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend this Constitution, and such amendments as may have been made thereto.

SEC. 268. The convention shall consist of as many delegates as there are members of the House of Representatives, and no more; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

SEC. 269. Delegates to such convention shall be elected at the next general State election after the passage of the act calling the convention, which does not occur within less than ninety days; and they shall meet within ninety days after their election at the Capital of the State, and continue in session until their work is completed.

SEC. 270. The General Assembly, in the act calling the convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

SEC. 271. The convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections. But the General Assembly shall, in the act calling the convention, provide for taking testimony in such cases, and for granting a writ of election in case of a tie.

SEC. 272. Before a vote is taken upon the question of calling a convention, the Secretary of State shall cause notice of the election to

be published in such manner as may be provided by the act directing said vote to be taken.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in this Constitution, and in order to carry the same in complete operation, it is hereby declared and ordained :

First : That all laws of this Commonwealth in force at the time the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly ; and rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions as require legislation to enforce them, shall remain in force until such legislation is had, unless sooner amended or repealed by the General Assembly.

Second : That all recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any city, town, county or subdivision thereof, and all fines, taxes, penalties and forfeitures due or owing to the State, or to any city, town, county or subdivision thereof ; and writs, prosecutions, actions and causes of action, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution. And all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be prosecuted as if no change had taken place, except as otherwise provided in this Constitution.

Third : All circuit, chancery, criminal, law and equity, law and common pleas courts, as now constituted and organized by law, shall continue with their respective jurisdictions until the Judges of the Circuit Courts provided for in this Constitution shall have been elected and qualified, and shall then cease and determine ; and the causes, actions and proceedings then pending in said first named courts, which are discontinued by this Constitution, shall be transferred to, and tried by,

Circuit Courts in the counties, respectively, in which said causes, actions and proceedings are pending.

Fourth: At the general election on the first Tuesday after the first Monday in November, 1895, and every four years thereafter, there shall be elected a Governor, Lieutenant Governor, Attorney General, Auditor of Public Accounts, Treasurer, Secretary of State, Superintendent of Public Instruction, Commissioner of Agriculture, Labor and Statistics, and a Register of the Land office, for four years: *Provided*, That the officers who shall be elected to fill the several offices provided for in this section, at the August election, 1891, shall hold their offices until their successors shall be elected and qualified: *Provided Further*, That the Governor elected in August, 1891, may appoint a Secretary of State and a Commissioner of Agriculture, Labor and Statistics as may be provided by law, who shall hold their offices until their successors are elected and qualified, as herein provided, unless sooner removed by the Governor.

Fifth: Members of the House of Representatives, and Senators elected at the August election in 1891, and Senators then holding over, shall hold their offices until the 31st of December, 1892, and no longer. At the general election to be held on the first Tuesday after the first Monday in November, 1892, there shall be elected one Senator from each Senatorial district, and one Representative in each Representative district. The Senators then elected shall hold their offices respectively for two and four years, as shall be determined by lot at the first session of the General Assembly after their said election, and the Representatives shall hold their offices for two years. Every two years thereafter, there shall be elected for four years one Senator in each Senatorial district in which the term of his predecessor in office will then expire, and in every Representative district one Representative for two years.

Sixth: At the November election, in 1892, there shall be elected in each Circuit Court district, a Judge and a Commonwealth's Attorney, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices for five years, and until their successors are elected and qualified. At the general election in November, 1897, and every five years thereafter, there shall be elected in each of said districts a Judge and a Commonwealth's Attorney, who shall hold their offices for six years, and until their successors are elected and qualified. And at the times designated in this section, there shall be elected in each county in the State a Clerk of the Circuit Court, who shall enter upon the discharge of the duties of his office at the time, and continue in office for the same time as the Circuit Judge, and until his successor is elected and qualified.

Seventh : At the general election in November, 1894, there shall be elected in each county in this Commonwealth a Judge of the County Court, a Clerk of the County Court, a County Attorney, Sheriff, Jailor, Coroner, Surveyor and Assessor, and in each Justice's district a Justice of the Peace and one Constable, all of whom shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until their successors are elected and qualified. At the general election in November, 1897, and every four years thereafter, there shall be elected in each county the above named officers, who shall hold their offices for four years, and until their successors are elected and qualified. *Provided,* That at the general election in November, 1892, there shall be elected in each county a Sheriff, and in each Justice's district a Constable, who shall hold office for two years and until their successors are elected and qualified, and the Sheriff shall be ineligible for re-election for the first term of four years. The Sheriffs now in office for their first terms shall be eligible to re-election in 1892.

Eighth : All officers who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors, as provided in this Constitution, shall hold their respective offices until their successors are elected or appointed and qualified as provided in this Constitution.

Ninth : All city and town officers in this State shall be elected or appointed, as provided in the charter of each respective city and town, and shall continue in office until the general election in November, 1893, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire ; and at that election, and as their terms of office may thereafter expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years: *Provided,* That the terms of office for Police Judges who were elected for four years at the August election, 1890, shall expire on the 31st day of August, 1894, and the terms of Police Judges elected in November, 1893, shall begin on the first day of September, 1894, and continue until the November election in 1897, and until their successors are elected and qualified.

Tenth : The Quarterly Courts created by this Constitution shall be the successors of the present statutory Quarterly Courts in the several counties of this State; and all suits, proceedings, prosecutions, records and judgments now pending or being in said last named courts shall, after the adoption of this Constitution, be transferred to the Quarterly Courts created by this Constitution, and shall proceed as though the same had been therein instituted.

Eleventh: Should the office of Register of the Land Office, or the office of Jailer, be abolished by the General Assembly as authorized by this Constitution, then as to such officer or officers, the provisions of this schedule shall not apply.

ORDINANCE.

An ordinance for taking the sense of the qualified voters of the Commonwealth as to the ratification or rejection of the proposed Constitution.

Be it ordained by the People of the Commonwealth of Kentucky in convention assembled as follows:

SECTION 1. That on each page of the poll-books prepared for recording the votes of the qualified voters at the various voting places in this State at the general election to be held therein on the first Monday in August next, there shall be two contiguous parallel columns, one headed "For the Constitution," and the other "Against the Constitution," and each qualified voter on casting his vote shall be distinctly asked by one of the officers holding the election, "Do you vote for or against the new Constitution?" and if he shall desire to vote, his vote shall be recorded in his presence in the proper column accordingly as he shall answer.

SEC. 2. The Boards of Canvassers, whose duty it is by law to canvass the votes and certify the result of said election in the several counties, shall also, at the time of making such canvass, ascertain, and within ten days thereafter, make out and sign duplicate certificates, each showing the whole number of qualified votes which shall have been cast for the said Constitution, and also the whole number of such votes which shall have been cast against the same in their respective counties.

SEC. 3. Said certificates shall be enclosed in separate envelopes, one to be addressed and sent at once by mail to the Secretary of State, and the other addressed and sent to the Secretary of the Constitutional Convention. On receipt thereof the Secretary of State shall file and carefully preserve said certificates in his office, and the Secretary of the Convention shall in like manner preserve those received

by him, subject to the order of said Convention when it shall reassemble.

SEC. 4. A copy of this ordinance shall be forwarded to the Clerk of the County Court of each county in the State by the Secretary of this Convention on or before the 1st day of May next, and also printed with the Constitution when published, as heretofore provided; and the following resolution:

Resolved, That when this Convention shall adjourn at 1 o'clock on Saturday the 11th inst., it shall stand adjourned till 12 o'clock, meridian, on the first Wednesday in September next.

Done in Convention on the Eleventh Day of April, Eighteen Hundred and Ninety-one.

CASSIUS M. CLAY, JR.,
President.

Attest:

THOS. G. POORE,
Secretary.

FRIDAY, April 11, 1891.

Mr. Mackoy moved the following resolution, which was read and adopted, viz:

Resolved, That the President and Secretary of the Convention are hereby directed to sign and certify the Enrolled Copy of the Constitution adopted by this body, and that said Copy be delivered to and safely kept by the Secretary of State until the reassembling of this Convention in September next, and the Secretary of this Convention shall retain a copy thereof.

CERTIFICATE.

LOUISVILLE, KY, April 18, 1891.

Having been appointed by the President of the Convention to superintend the "correct printing" of the Constitution. etc. I hereby certify that I have carefully compared the above printed copy with the original, and find it correct.

C. T. ALLEN,
Delegate from Caidwell County

ADDRESS.

To the People of Kentucky :

The Convention to amend the present Constitution was called after twenty years of agitation and in obedience to a well-defined popular demand for a revision of your organic law. As your representatives, the members of this Convention, after a session of 199 legislative days, have prepared, and now submit for your approval, the accompanying instrument. It is not assumed that it is perfect, or that it represents the views of each member on every subject; but after full discussion and mature deliberation, it is offered as the best judgment of the body.

In many portions of the State there has been severe criticism as to length of time consumed in the preparation of the instrument. A little investigation will show that some of these complaints are not well founded, and that in many States more time has been consumed in framing these most important of all laws.

The last Convention in Illinois sat 153 days, in New York nine months, in Ohio 253 days, in California 167 days, and in Pennsylvania during an entire year, at a cost to that State of \$1,000,000.

The last Legislature of Kentucky, in framing mere statutory laws, was in session one hundred and forty-nine days.

In dealing with these fundamental provisions of government, haste would have been unseemly, and it was due to the people of the State that every delegate on every question should have ample time to express his opinions; and from such discussion to formulate those great and fundamental principles essential to the organic law of a State such as Kentucky.

The experience of forty years, gathered from the unparalleled changes in political and social life of this country, rendered many alterations in and additions to the Constitution not only important, but absolutely essential to good government. Notwithstanding this necessity for change and enlarged limitations of many general and special powers, a close comparison of the present and proposed Constitutions will show that a very large portion of the present Constitution passes into the new one substantially unchanged.

The sessions of the Convention were marked by no partisan political discussions. All such questions were unknown and undiscussed, and as representatives of all the people of the State, the universal desire

was to frame a Constitution which would secure the greatest good to the greatest number.

The first question which confronted every delegate was the inhibition of special or local legislation. The General Assembly of 1889-90 sat 149 days, and passed local laws, including index, covering 4,893 pages, with a cost to the State in printing of \$17,223.65, and in other respects \$151,014.82. The average time and cost of the four preceding Legislatures had been but little better. The disapproval of every person in Kentucky suggested sharp and effective remedies for the evils of such a system of law-making. Outside of all questions of economy, the demoralization of the Legislature, and the inequality of laws so passed, had produced the grossest wrongs, and the demand for a change on this subject was absolute and universal.

In the judgment of the delegates, this has been thoroughly done. Legislative sessions have been limited to sixty days, and all special laws prohibited, where general laws can govern; and, on a large number of subjects which concern the general good, under the provisions proposed, a special law is rendered impossible.

Something of this tremendous evil will be appreciated when it is stated that the official report of the Auditor shows that in the last ten years the General Assembly has been in session 689 days, or nearly one-fifth of that entire period, at an average daily cost of \$1,068, and that, had the General Assembly been required to pass only general laws and been permitted to remain in session only sixty days, as required by the proposed Constitution, there would have been a saving to the State in money alone in this period the sum of \$424,164.00.

It is required in the new Constitution that all acts of incorporation shall be obtained hereafter under general laws, and that the expense of such incorporations shall be paid by those who seek them and who secure benefit from them.

Another important matter is uniformity of laws applicable to counties, cities and towns; now, no two of these municipal divisions in the State operate under the same code of laws. Tax systems, judicial forums and remedies, and governmental agencies generally, were arranged to suit the caprice or whim of the member who happened to represent that particular locality. A false idea of what has been called legislative "courtesy" allowed any member to write the statutes governing his own constituency. We have prepared provisions requiring that all such communities shall be divided into classes and shall be governed by general laws applicable to every member of such class throughout the State.

Lotteries are inhibited, and all lottery charters now existing are re-

voked. These grants, in most instances secured by clandestine legislation, have inflicted upon the State great disgrace and upon its people incalculable loss. A single clause settles this evil, places Kentucky abreast of the best civilization of the age, and unites her in the effort to repress this unmitigated shame.

The ballot system under the new Constitution will be fully established. Kentucky enjoys the distinction of being the only civilized State which retains the *viva voce* system. Experience has demonstrated the evils of the *viva voce* system, and an official secret ballot, a barrier to bribe-givers and bribe-takers, the palladium of an honest and unbiased expression of popular will, as expressed at the polls, is made the only method of taking the sense of the voters of the Commonwealth.

The frequency of elections has been the cause of almost universal complaint. It is provided in this proposed Constitution that only one election of any kind can be held in the State or any part thereof in any one year.

The mode of revision has been held by many to be a question of supreme importance. Amendment to the present Constitution is impossible, and to call a new Constitutional Convention involves at least five years' delay and large expense. To render change a practical political impossibility was the avowed purpose of the framers of the Constitution of 1849.

The sections on revision in the new instrument permit three-fifths of any Legislature to propose at a regular session two amendments; these may be on any subject, and, when ratified by a majority of the votes cast, become part of the Constitution. This plan avoids the expense of a convention, renders the instrument at all times capable of meeting the exigencies of the times, and yet it is so arranged that the Constitution can not be altered or amended without a sufficient period for reflection. This plan is in line with the experience and judgment of other States and covers the middle ground on this subject.

The greatest menace to freedom of the people of this country is the aggregation of capital and the aggressions, consequent upon such aggregation, upon the rights of the individual citizen. Corporate wealth and influence have been most potent in all the phases of our political affairs, and this danger has aroused the fears of the ablest and most patriotic of our statesmen. The State can not afford to commit itself to any policy which would keep out capital, nor, on the other hand, can she afford to disregard the warnings of the times and remove all limitations upon this power. In the proposed Constitution will be found such provisions as, in the judgment of your representatives, carefully guard the people's rights, and yet, on the other hand, grant to

corporate capital all those privileges and rights which will justify it in the development of the superb resources of the State.

Many and most serious difficulties have arisen from irrevocable grants made by the General Assembly. We have provided that all grants and charters of every kind shall in the future be held subject to the legislative will, and with the absolute right of repeal by the State. Such a provision in the past would have been of untold value to the citizens of the State ; and while it has been in force under statutory enactment since 1856, unless where expressly waived by the term of the act itself, which was frequently done, it has been deemed of the greatest importance to have it incorporated in the Constitution.

One of the most unfortunate features in the administration of Kentucky's government has been the inequality in taxation. Exemptions under one pretext or another have crept into hundreds of charters and acts, and the value of property thus relieved of its just proportion of taxation has reached appalling figures. The Constitution submitted to you confines this evil to much narrower limits, and, so far as practicable, puts all property upon the same basis for taxation. Should you accept this Constitution, all property—land, bank stock and money—will bear its just share of governmental burden and assume its fair proportion of taxes, while securing the equal protection of law.

Unjust local taxation and the heavy increase of the debts of counties, towns and cities have been recognized in every portion of the State as great evils, frequently destructive of the highest rights of property and leading to practical confiscation or absolute repudiation. A limit has been placed on all tax rates, and while it allows reasonable outlay in all matters requiring enterprise and development, it also places an impassable barrier against unwise or extravagant expenditures.

State, county and other governmental machinery has been left practically unchanged, but the number of magistrates has been limited to eight in any county.

The number of grand jurors has been reduced from sixteen to twelve. This can not, in the least, impair the efficiency of the body or the administration of justice, and the saving in *per diem* alone by this change in ten years will equal the entire cost of the convention. The average cost of grand juries in the State for the preceding two years was \$69,777 ; this change will save one-fourth of this amount, \$17,500 per annum. A three-fourths verdict of juries in civil cases has been allowed under legislative direction.

A uniform system of courts has been devised. In some counties there are as many as four different kinds of courts, some of them with the same jurisdiction. The proposed change provides sufficient courts

and removes the evil referred to. The number of judges will be only very slightly increased, but they will be more fairly distributed, and every county in the State will have at least three terms of Circuit Court in each year. It was thought wise to have only one court of last resort, and to provide that this shall consist of enough judges to dispatch all the business that may be brought before it. If five judges can not do the business, the General Assembly can increase the number to seven ; and these for many years will meet every possible demand. This number may be divided into sections, and thus accomplish the work of two courts while maintaining the uniformity of decision of one.

In obedience to an almost unanimous public sentiment, the working of convicts outside the penitentiary has been prohibited, and the General Assembly also required to establish and maintain a State Reformatory Institution for juvenile offenders.

The subject of Eastern Kentucky land titles has been one of grave import to the whole State. There are many Virginia grants one hundred years old, and yet unrecorded, the land covered by which has been held under patents from this State in some instances a century, sold many times and taxes thereon paid all these long years by persons ignorant of an adverse claim. And yet these ancient grants remain as a means of disquieting titles and a bar to the complete development and improvement of the richest mineral and timber districts in the State. Security of title is an essential in the progress of any country. Justice to the State and its long suffering people interested in this portion of the State requires a speedy and effective remedy. This has been given, and such provision has been made that in five years after the adoption of the new Constitution this great incubus upon the wealth and prosperity of the State will be in a fair way to be removed.

The condition of the State is now such that it is believed that railways can and will be built without the aid of local taxation, and, following the example of nearly all the other States of the Union, a provision has been inserted which forbids cities, towns, counties or parts thereof, from voting a tax under any circumstances in aid of such corporations.

Experience seems to have demonstrated the value and importance of a Railway Commission. Repeated efforts have been made by railroads to repeal the statute providing for this service, and it was thought wise to give more stability and consequently more efficiency to this Commission ; and its members have been made constitutional officers, and thereby rendered not only more independent, but more fearless in the guardianship of public interest.

The cause of common school education, always of prime importance in this State, will, from the work of the Convention, receive new strength. The direct tax coming to Kentucky from the General Government amounting to over \$600,000, will become part of the school fund and will restore to this great cause that which nearly half a century ago was, by adverse legislation, taken from this noble work.

All that part of the old Constitution in conflict with the Federal Constitution in reference to slavery has been omitted.

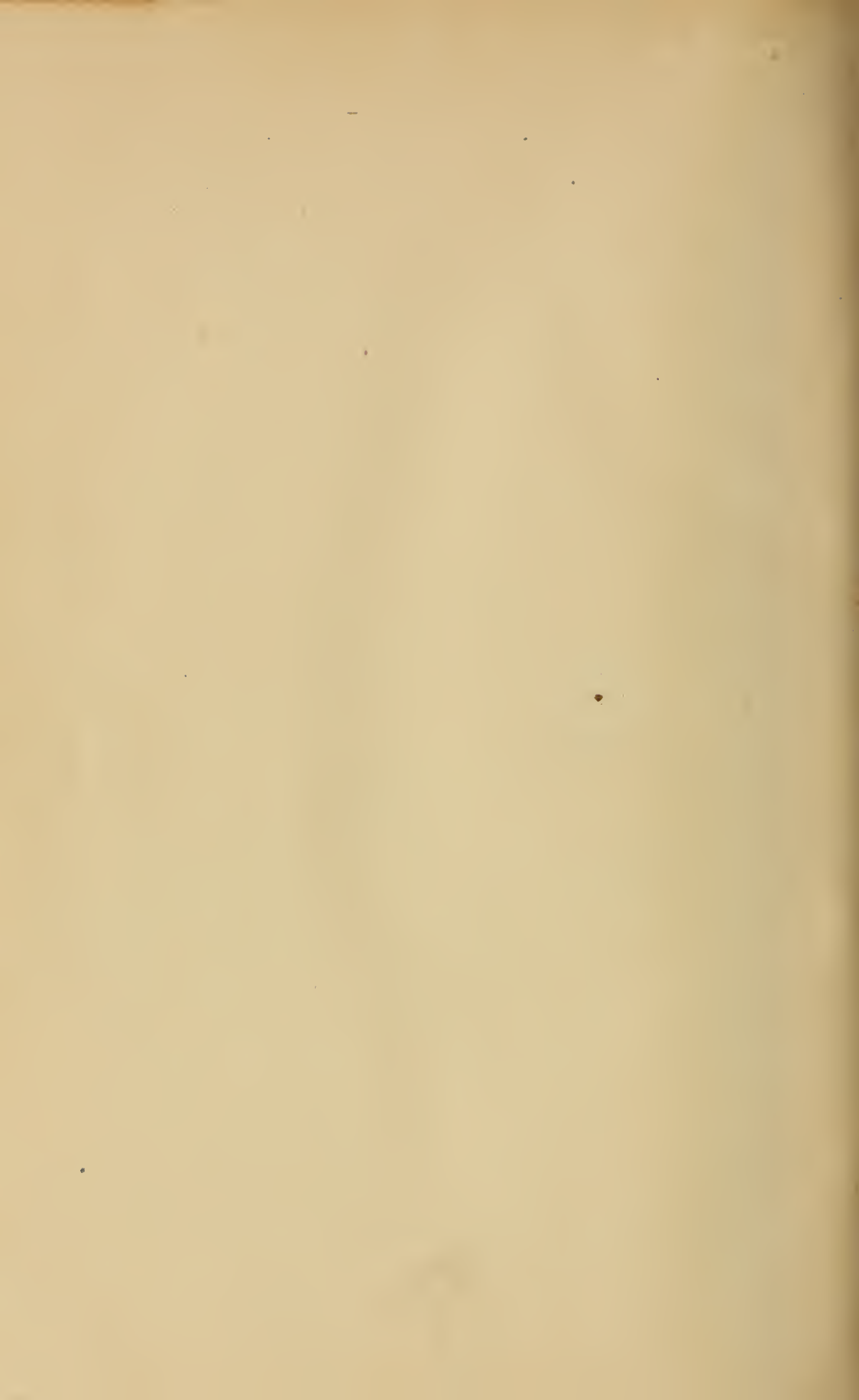
The claim has been widely made that this proposed Constitution is not only of extreme but of unusual detail, and unnecessarily legislative in its provisions. An examination will show that in the present Constitution there are about twelve thousand five hundred and eighty words, and this proposed one, about twenty-one thousand words, and therefore only about sixty per cent. larger than that of 1849-50.

The subjects of railroads, municipalities, revenue and taxation, corporations and public charities, are covered by new articles. All these have been rendered necessary by the changed conditions of the State during the past forty years. Excluding these new matters, the proposed Constitution is shorter than the present one. The Constitution submitted for your approval is about the average length as that of Arkansas, Colorado, North and South Dakota, Washington, and shorter than that of Missouri, and ten per cent. shorter than that of Maryland.

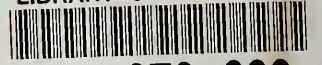
We have enumerated in this address, necessarily brief, a few of the more important changes which in the judgment of your representatives were demanded by the present condition of the State and requisite for the furtherance of its political and material welfare, and the whole instrument is submitted with the confident belief that its provisions, while not without defects and marked by those imperfections incident to all such work, and susceptible of change at the will of the people by its open clause, will secure certainly a more effective government, a more uniform distribution of burdens, a more economical administration of all State, county and city affairs, and a more complete protection to the common welfare.

BENNETT H. YOUNG, *Chairman.*
CURTIS F. BURNAM,
WILLIAM H. MACKOY,
ROBT. RODES,
SAMUEL J. PUGH,
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